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UNITED STATES DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

SZMA.048 v.2
000765
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II HISTORICAL REPORT ON DERBY WHARF

COMPILATION OF DOCUMENTS

1937

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SAMA.048 v.2
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Compilation of Documents

Doc. No. 1	Genealogy of the Derby Family.
" " 2	Deed from Margaret Silsbee and Mary Renew to Richard Derby, Aug. 19, 1762.
" " 3	Extracts from Article on Wharf Building in The Merchants' Magazine and Commercial Review, Freeman Hunt, Editor, April 3, 1840.
" " 4	Contract for Building a Wharf entered into by John Hays with Hatch & Fitz, Salem, Massachusetts, May 16, 1853.
" " 5	Will of Richard Derby, Oct. 27, 1783.
" " 6	Will of Elias Hasket Derby, Sept. 3, 1799.
" " 7	An Act to Establish the Derby Wharf Corporation, March 1, 1810.
" " 8	Picture of Derby Wharf on Certificate of Membership in the Salem Marine Society, 1797.
" " 9	Derby Wharf painted by Charles Porter Brown, 1879. Original in the Peabody Museum, Salem, Massachusetts.
" " 10	A Plan of the Settled Part of Salem as it was in 1760. From J. B. Felt, Annals of Salem, I, 283.
" " 11	Salem and Off-Shore Islands, 1790. From Massachusetts Archives, Maps & Plans, 1099.
" " 12	Chart of the Harbours of Salem, Marblehead, Beverly, and Manchester from a Survey taken in the Years 1804, 5 & 6 by Nathaniel Bowditch.
" " 13	Plan, Town of Salem from Actual Survey made in 1796 and 1804, with Later Alterations by Jonathan P. Saunders, 1820.
" " 14	A Plan of the Estate, Late Elias H. Derby - Esquire- on the South Side of Derby Street surveyed by Gideon Foster, February 25, 1805.
" " 15	Plan of Lots examined for a Site for Salem Custom House, May 26, 1818.

Compilation of Documents - continued

Doc.	No.	
"	16	Salem Property Plan, Derby Wharf, July 2, 1904.
"	17	Plan to Accompany Petition of the Boston and Northern St. Ry. Co. to Build an Addition to Derby Wharf at Salem, Massachusetts, March 18, 1906.

THE DERBY FAMILY

ROGER DERBY — 1668 — **LUCRETIA KILHAM**
b 1643, England — b 1643, England
d Sept. 26, 1698 — d May 25, 1689
Six sons and two daughters

RICHARD DERBY — 1702-3 — **MARTHA HASKET**
b Oct. 8, 1679 ~ Ipswich, Mass. — b ———
d July 25, 1715 — d May 2, 1746
Sixth child — Daughter of Stephen and Elizabeth Hasket
Eight children, four died in infancy

RICHARD DERBY — 1735 — **MARY HODGES**
b Sept. 16, 1712 — b Dec. 21, 1713
d Nov. 9, 1783 — d Mar. 27, 1770
Third child — Daughter of Gamaliel and Sarah Hodges
Six children — 1771 — **MRS. SARAH HERSEY** — WIDOW DR. EZEKIEL HERSEY ~ HINGHAM, MASS.
b. ———
d. June 17, 1780 ~ Hingham, Mass.

RICHARD — 1759 — **LYDIA**
b Jan. 6, 1736 — b Mar 19, 1739
d Dec 8, 1781 — d Apr. 25, 1777
Eight children — Daughter Capt. Jonathan & Elizabeth Gardner
1778 Mrs. Lucy Smith, Falmouth, Me.

MARY — 1757 — **GEORGE CROWNINSHIELD**
b Nov. 12, 1737 — b Aug. 6, 1734
d Nov. 26, 1813 — d June 17, 1815
Ten children — Three famous sons

ELIAS HASKET — 1761 — **ELIZABETH**
b Aug. 16, 1739 — b 1736
d Sept. 8, 1799 — d Apr. 19, 1799
Seven children — Sister George Crowninshield

CAPT. JOHN
b June 7, 1741
d Dec 5. 1812
Boston, Mass.

SARAH — 1769 — **CAPT. JOHN GARDNER**
b Oct. 4, 1747 — b Mar. 19, 1736
d Sept. 2, 1774 — d Jan. 3, 1816
Three children

MARTHA — 1762 — **DR. JOHN PRINCE**
b Apr. 16, 1744 — b Dec. 8, 1733
d June 26, 1802 — d June 26, 1816
Medford, Mass. — Roxbury, Mass
Three children

GEORGE CROWNINSHIELD
b May 27, 1766
d Nov. 26, 1817

JACOB CROWNINSHIELD
b May 31, 1770
d April 15, 1808
Wash., D.C.

BENJAMIN CROWNINSHIELD
b. Dec. 27, 1772
d. Feb 3, 1851
Boston, Mass.

ELIZABETH — 1783 — **NATHANIEL WEST**
b Sept. 29, 1762 — b Jan 31, 1756
d Mar. 9, 1814 — d Dec 19, 1851
Six children

MARTHA — 1801 — **CAPT JOHN PRINCE**
b Dec 28, 1763 — b July 8, 1770
d Jan 22, 1831 — d Sept. 1842
Jamaica Plain, Mass. — Jamaica Plain
Son of Dr. John & Martha (Derby) Prince
Two children

ELIAS HASKET — 1797 — **LUCY BROWN**
b Jan. 10, 1766 — b Jan. 22, 1771
d Sept 16, 1826 — d ———
Londonderry, N.H. — Daughter Enoch & Abigail (Kendrick) Brown

JOHN DERBY
b May 9, 1767
d Nov. 25, 1831
Eleven children

ANSTISS — 1789 — **BENJAMIN PICKMAN, JR.**
b Oct 6, 1769 — b Sept. 30, 1763
d June 1, 1836 — d Aug 16, 1843
Son Benj. & Mary Tappan Pickman
Eight children

EZEKIEL HERSEY
b Nov. 1, 1772
d Oct. 31, 1852
Nine children

RICHARD C.
b Jan. 18, 1777
d Apr. 3, 1854
One son

Six children among whom was
ELIAS HASKET DERBY
Lawyer Banker Railroadman

Doc. No. 1.

Essex County, Southern District, Registry of Deeds.
Book 112, p 139.

Margaret Silsbee and Mary Renew to Richard Derby of Salem...
.....a piece of Beach Land and Flatts in said Salem on the South Side of ye Way leading from the Long Wharfe to Palfrays Land so called, Butting Notherly on ye same way eighty eight Feet & extends Southerly keeping that Wedth to ye Channel of the South River so called & butts Westerly on land of John Masury & Easterly on Land late of Sarah Mansfield, & is opposite to ye Land on the other Side of said Way, contained in a Deed from David Harwood to Robert Abbot dated the twelfth Day of MarchAnno Domini 1741. Recorded in the Office for the Registry of Deeds & in said County Libre 82 folio 80 with the Privileges and Appurtenances thereof....

Executed Aug. 19, 1762

Recorded Aug. 20, 1763.

Doc. No. 2.

The Merchants' Magazine and Commercial Review, Freeman Hunt, Editor, vol.II, (April 3, 1840), 314-314,316.

313 "The wharves erected for the accommodation of the shipping of New York are formed entirely of timber and earth, in a very rude and simple manner. A row of wooden piles, driven close to each other into the bed of the river, forms the face-work of the quay, which is projected from the shore as far as is necessary to obtain a depth of water sufficient to float the largest class of vessels at all times of the tide. The situation of New York, in this respect, is very favorable as deep water is very generally obtained at the distance of from forty to fifty feet from the margin of the water. The piles, of which the face-work of the piers is composed, are driven perpendicularly into the ground, and are secured in their place by horizontal wale-pieces or stretchers, bolted on the face of the quay, and running throughout its whole extent. Diagonal braces are also bolted on the inside of the piles, and beams of wood are connected to the face-work, and extend behind it to the shore, in which they are firmly imbedded. These beams act both as struts and ties, serving to counteract the tendency of lateral pressure, whether acting externally or internally, to derange the line of quay. The void between the perpendicular piles, which form the face-work and the sloping bank rising from the margin of the water, is generally filled up with earth, obtained in the operation of levelling sites and excavating foundations for the dwellings and warehouses of the city. This hearting of earth is carried to the height of about

Doc. No. 3.

five feet above high water of spring-tides, at which level the heads of the piles, forming the facework, are cut off, and the whole roadway or surface of the quay is then planked over. The planking used in forming the roadway of the quay is, in some cases, left quite exposed; but, in general, where there is a great thoroughfare, the surface of the quays is pitched with round water-worn stones, and corresponds, in appearance and level, with the adjacent streets..."

314 "The wood-work in the quays and jetties is of a very rude description. The timbers employed in their construction are seldom squared, and never, in any case, protected by paint or coal-tar from the destroying effects of the atmosphere. Wood is so plentiful in America, that to repair, or even construct works, in which timber is the only material employed, is generally regarded as a very light matter..."

316 "The quays at Boston are constructed in the same style, and of the same materials, as those of New York, but more attention has been paid by the builders to the durability of the work."

Contract for building a wharf entered into by John Hays with Hatch & Fitz, Salem, Massachusetts, May 16, 1853.

Specifications for Building a Wharf for Hatch & Fitz as marked out by them on the water lot they have purchased of the heirs of the late E.H. Derby, Deceased. The face of the Wall of said Wharf is to be built of good Rockport Stone with one good face and is to be five feet thick at the Bottom. Three feet thick at the top with good straight edge cap Stones not less than six feet long. Two and one half feet wide and not less than one foot in thickness to be backed up from the Bottom to the top with suitable Backing Stone two feet in thickness, said Wall when finished not to be less than twelve feet from the Bottom and to be the same hight from the water when completed with the top of the western end of the capsill of the Platform on the opposite side adjoining the Derby Wharf. The work to be done in a good workmanlike manner and is to compare and to be as well done as the Wharf lately Done by Charles Rand for Isaac Dike, The Dock is to be Dug out to the satisfaction of said Hatch & Fitz to be used in filling up said Wharf, The said Wharf, is to be filled up with Mud and to be covered with good Gravell six inches thick on the Top and to be high enough when settled so as to be on a level with the Top of Cap Stones above named. In witness whereof the parties have here unto Set their mark and names this sixteenth Day of May one thousand eight Hundred and Fifty-three ---

(signature) (signature)

Doc. No. 4.

WILL OF RICHARD DERBY
OCTOBER 27, 1783

ESSEX COUNTY PROBATE RECORDS
BOOK 356, pp 367-369

Doc. No. 5.

WILL OF RICHARD DERBY, OCT. 27, 1783

ESSEX COUNTY PROBATE RECORDS, BOOK 356, pp 367-369

In the Name of God Amen. I Richard Derby of Salem in the County of Essex in the Commonwealth of Massachusetts Merchant on this twenty-seventh Day of October in the year of our Lord seventeen hundred eighty three, do make my last Will & Testament and dispose of my worldly Estate in Manner following------

First I give and bequeath unto my well beloved wife Sarah Derby her Heirs & Assigns all & singular the Household Furniture Goods, Chattels and Estate of every kind and sort which she brought to me upon and after our Inter Marriage and shall remain at my Decease ----I also give her my Chariot and my two Chariot Horses; --- also the Sum of one hundred Pounds lawful Money annually and every year while she shall remain my Widow, also my negro Child Peggy -----

Item I give and bequeath to my Daughter Mary Crowninshield and to her Heirs and Assigns forever, the House in which she lately dwelt now occupied by Joseph Moses with the Land under and adjoining thereto, it being nearly opposite the Meeting house in the East Parish in Salem with the Appurtenances which I purchased of Christopher Babbage's Heirs; --- and I confirm to her all the Household Furniture & Plate which I gave her about the time of her Marriage and Since which Plate & Furniture were estimated at four hundred Pounds lawful Money; ----And I give to said Mary and her Heirs and Assigns forever my House called Ropes house in which she now dwells with all the out Buildings belonging to it, and my land under and adjoining to it and the Privileges and Appurtenances thereof;--- Also I give her the debt of four hundred Pounds lawful Money due on Book from her husband Capt. Crowninshield; -- And I give her my negro Girl named Cate with her Apparel, all which I estimate at three

thousand four hundred Pounds lawful Money.

Item. I give and bequeath to my Daughter Martha Prince wife of Doctr. John Prince and to her heirs descended from her body and to her Assigns forever, the Mansion House wherein she last resided at Salem with the Land under and adjoining to it with the Appurtenances which Land I purchased of the widow Elisabeth Higginson; ---And I confirm to her all the Household Furniture and Plate which I give her about the time of her Marriage; ---Also I give her one Thousand Pounds lawful Money in Specie to be paid to her within six Months after my Decease; All which I estimate at three Thousand four hundred Pounds lawful Money.

Item I give and bequeath to my grand Children John Gardner, Sarah Gardner and Richard Gardner the Children of my Daughter Sarah Gardner deceased, to each of them the Sum of one Thousand Pounds lawful Money in Specie to be paid in one Year after my Decease which Sums together with the Household Furniture and Plate given to their Mother at & since her Marriage are estimated at three Thousand four hundred Pounds ----And in case either of said grand Children shall die before he or she arrive to the age of twenty one Years without Children, then what is herein given to him or her (so deceasing) shall be equally divided among the surviving Grand Children the Children of said Sarah------

Item I give and bequeath to my son Elias Hasket Derby and his heirs forever the Land belonging to his Warehouse and on which its stands extending from the Street by my wharf about sixty six feet southward be it more or less to the notch in the wharf with the Passageway & Dockage westward of it.

Item I give and bequeath the Remainder of my Estate both real, personal and mixed to my son Elias Hasket Derby, one third part, to my son John Derby, one third part; and the Remaining third part including the Mansion house, Wharf and Buildings thereon, which I gave to my son Richard late deceased, I give and bequeath to his sons Richard, Samuel, Jonathan and Charles and to his Daughters Lydia, Mary and Betsey and to their respective Heirs forever, to be divided among them in Manner and Proportion as my said son Richard devised and ordered his Estate to be divided among them --- my Intention is that the said Children of my said son Richard Derby jointly should receive but an equal Portion including the said Mansion house, wharf and Buildings thereon with either of my said sons Elias Hasket or John Derby.

Item I hereby appoint and impower my son in Law John Gardner the third (who is one of the Executors herein named) to join with my said sons Elias Hasket and John Derby or their respective agents or Assigns in making a Division of the Residue aforesaid devised to them and said Children of my son Richard so that said Childrens part may be improved, ordered and disposed of for their best advantage.---- The said John taking the advice of the Executors of the Testament of my son Richard in his Proceedings therein, in case he and they shall judge it most for the Childrens Benefit that their part be sold, and in Case the said Children or any of them shall be then twenty one Years of age, he is to advise with them also, and I hereby impower said John Gardner and his Assigns to sell and dispose of the said Children's part of the Residue devised as aforesaid accordingly; --- It is to be understood that

the aforesaid Mansion house wharf and Buildings which I gave to my son Richard are estimated and accounted at two Thousand Pounds lawful Money.------

Item I appoint and constitute my sons Elias Hasket Derby and John Derby and my son-in-Law John Gardner the third above named the Executors of this my last Will and Testament and order them to pay my just Debts and the Legacies given to my wife and Daughters as aforesaid out of what I have given to my said sons Elias Hasket Derby, John Derby and the Children of my son Richard in equal Proportion and I leave the direction of my funeral wholly to the discretion of my Executors. In Witness whereof I here do put my Hand & Seal this twenty seventh day of October aforesaid in the Year 1783.

signed, sealed, published and declared by) (sgd)
the Testator as and for his last Will (Rich^d. Derby (seal)
and Testament in presence of us.)
Wm.Browne, Nehemiah Holt, Thomas Saunders

To all People to whom these Presents shall come Benjamin Greenleaf (seal) Esq. Judge of the Probate of Wills & c. in the County of Essex within the Commonwealth of Massachusetts-----sendeth Greeting. Know ye, That on the third day of December Anno Domini 1783 the Instrument aforesaid written (purporting the last Will & Testament of Richard Derby late of Salem in said County Merchant deceased) was presented for Probate by Messrs. Elias Hasket Derby, John Derby and John Gardner the third the Executors therein named, then present William Browne & Nehemiah Holt two of the Witnesses thereto subscribed who made Oath that they saw the said Testator sign and seal and heard him

declare the said Instrument to be his last Will and Testament and that they the said William & Nehemiah with Thomas Saunders subscribed their Names together as Witnesses to the Execution thereof in the said Testator's presence; and that he was then (to the best of their Judgments) of sound and disposing Mind:---- I do prove approve and allow of the said Instrument as the last Will and Testament of the before named deceased and do commit the Administration thereof in all Matters the same concerning, and of his Estate where he died seized and possessed in said County, unto Elias Hasket Derby, John Derby & John Gardner the third the before named Executors well and faithfully to execute the said Will and to administer the Estate of the said deceased according thereto who accepted of their P.Trust and are to give in an Inventory in three Months from the Date hereof and they shall render an Account (upon Oath) of their Proceedings when thereto lawfully required. In Testimony whereof, I do hereunto set my Hand & seal of Office the Day & Year afore-written.

B. Greenleaf.

WILL OF ELIAS HASKET DERBY
SEPTEMBER 3, 1799

ESSEX COUNTY PROBATE RECORDS, BOOK 367
pp 93-98

Doc. No. 6.

Will of Elias Hasket Derby, Sept. 3, 1799

Essex County Probate Records, Book 367, pp 93-98

This is the last Will and Testament of me Elias-Hasket Derby of Salem in the county of Essex and the Commonwealth of Massachusetts. Merchant.----

I do in the first place order that all my just debts and funeral Expenses shall be paid by my Executors hereinafter mentioned, as soon as may be after my decease.

I do hereby give, devise and bequeath unto my son Elias-Hasket his heirs and Assigns forever, one seventh part of all my real and personal estate, such particular parts of my real Estate as are herein expressly and specifically given unto him, to be considered as part of his said proportion at the value at which I herein estimate the same, in particular, I do give and devise unto the said Elias-Hasket his heirs and assigns forever, the dwelling house in which he now lives with out houses and the Land under and adjoining the same situate in Court Street so-called in Salem aforesaid which I estimate at six thousand three hundred and thirty four dollars, also one undivided seventh part of my main or long wharf situate in Salem aforesaid, the same to be considered as beginning on a Line with the front or east and west Line of the wharf herein after given to my daughter Martha at the south End thereof, together with a seventh part of all the privileges as well of Dockage as otherwise, as is hereinafter mentioned, and under the Limitations, herein after expressed, together with this further privilege of placing and building a Store on the eastward side of said long wharf similar to and on a

Line with those already erected there which I estimate at the sum of one thousand dollars and also the old Store at the southern End of said long wharf, which he the said Elias-Hasket shall within twelve months after my decease remove from where it now stands easterly on a Line with the stores already erected there, and also Flatts east thereof sufficient for placing the same upon and for the privileges and conveniences which the said other stores have which I estimate at the sum of eight hundred and thirty four dollars, and I likewise direct and my Will is, that my said son Elias-Hasket shall stand charged with all such sums of money as at the time of my decease, he shall be indebted to me in, either by Note or Book; -- And whereas I have discharged and made myself liable to discharge several large debts owed by my said son Elias-Hasket, I do hereby order and direct and it is my express will that in Consideration thereof, the sum of ten thousand dollars shall be deducted from and taken out of the said seventh part of my Estate herein given to my said Son Elias-Hasket and that the same be given to and equally divided among my other Children; --- And it is my will, that the said sum of ten thousand dollars shall be in full satisfactory for all sums advanced or to be advanced to my said son Elias Hasket to discharge his debts as aforesaid although the sums so advanced considerably exceed the said Sum of ten thousand dollars, on account of the important Services which he did for me while in the East Indias and the addition which was thereby made to my Estate.

I do hereby give, devise and bequeath unto my son John his heirs and assigns forever, one seventh part of all my real and personal Estate, such particular parts of my real Estate, as are herein expressly and specifically given to him, to be considered as part of his said proportion

as the value at which I herein estimate the same, in particular I do give and devise unto my said son John his heirs and assigns forever, my house and the Land under and adjoining the same situate in Salem aforesaid and commonly called the new house, bounding southerly on Derby Street (so called) and also the house and Land which I purchased of the heirs of Capt. John White adjoining to the house and Land last mentioned which I estimate at the sum of three thousand six hundred and sixty seven dollars; -- and also my new Store on the Eastward side of the said main or long wharf with the Land under and adjoining the same, with similar Privileges with the other stores and as is hereinafter mentioned and under the Limitations hereinafter expressed; and also one undivided seventh part of the said main wharf and of all the privileges as well of Dockage as otherwise as is hereinafter mentioned and under the Limitations hereinafter expressed; --- both of which I estimate at the Sum of two thousand and five hundred dollars; And I likewise direct and my Will is, that my said son John shall stand charged with such sums of money as at the time of my decease he shall be indebted to me in either by Note or Book.

I do hereby give, devise and bequeath unto my son Ezekiel Hersey his heirs and assigns forever, one seventh part of all my real and personal Estate, such particular parts of my real Estate as are herein expressly and specifically given to him to be considered as part of his said proportion at the value at which I herein estimate the same; in particular I do give and devise unto my said son Ezekiel Hersey his heirs and assigns forever, my brick dwelling

house with the Land under and adjoining thereto and usually improved therewith situate in Salem aforesaid and bounded southerly by Derby Street aforesaid which I estimate at the Sum of three thousand three hundred and thirty four dollars;-- also the house and Land in Essex street so called which I purchased of John Saunders in which said Ezekiel Hersey now lives and which I estimate at the sum of three thousand three hundred and forty dollars; --- and also the wharf and flatts in front of said house, the west boundary Line thereof to be the same as the west Line of the Land belonging to the said brick house which wharf and flats I estimate at the sum of eight hundred and thirty four dollars; and also one undivided seventh part of my said main wharf and one seventh part of all the privileges as well of dockage and otherwise as is hereinafter mentioned, and under the Limitations hereinafter expressed, together with this further privilege of placing and building a Store on the eastward side of said main wharf similar to and on a Line with the Stores already erected there, which I estimate at the sum of one thousand dollars;-- and also the wharf and flatts which I purchased of the heirs of Capt. John White with the additions and repairs made thereunto since I purchased the same which I estimate at the sum of sixteen hundred sixty seven dollars; --- and it is my express will and desire and I do accordingly direct and Charge my said Son Ezekiel Hersey, that he do not on any account sell the wharf last mentioned to any person, except the owner or owners of the said main wharf and I

likewise direct and my Will is that my said Son Ezekiel-Hersey shall stand charged with all such sums of money as at the time of my decease he shall be indebted to me in, either by Note or Book.

I do hereby give devise and bequeath unto my son Richard his heirs and assigns forever, one seventh part of all my real and personal Estate, such particular parts of my real Estate as are herein expressly and specifically given to him, to be considered as part of his said proportion at the value at which I herein estimate the same. In particular I do give and devise unto my said son Richard his heirs and assigns forever, a Lot of Land situate in Salem aforesaid and bounded southerly by Derby Street (so called) westerly by Land of Simon Forrester and easterly by Curtis Street, (so called) which I estimate at the sum of two thousand dollars; --- And also the store in which I now keep my Compting house with the Land under and adjoining the same including the first Birth on the said main wharf and extending as far southerly as the Jog in the wharf which is seventy six feet south from the southerly End of said Store, and also the Dock to the westward of said Store, which I estimate at the sum of two thousand one hundred and sixty seven dollars; -- and also one undivided seventh part of my said main wharf and a seventh part of all the Privileges as well of dockage as otherwise as is hereinafter mentioned and under the Limitations hereinafter expressed together with the further Privileges of

placing and Building a Store on the Eastward side of said main wharf similar to and on a Line with the Store already erected there; which I estimate at the sum of one thousand Dollars;--- and I likewise direct and my Will is that my said son Richard shall stand charged with all such sums of money as at the time of my decease he shall be indebted to me in, either by Note or Book -----

I do hereby give, devise and bequeath unto my daughter Elisabeth the wife of Nathaniel West, her heirs and assigns forever, one seventh part of all my real and personal Estate, such particular parts of my real Estate, as are herein expressly and specifically given to her to be considered as part of her said proportion at the value at which I herein estimate the same, in particular, I do give and devise unto my said daughter Elisabeth her heirs and assigns forever, one undivided seventh part of my said main wharf and a seventh part of all the privileges as well of Dockage as otherwise, as is hereinafter mentioned and under the Limitations hereinafter expressed, and also the Land under and adjoining the store which her said Husband has erected on the East side of said wharf, which I estimate at the sum of one thousand dollars, and also all that Form situate in Danvers in said County of Essex, which I purchased of John Epes and which I estimate at the sum of two thousand six hundred and sixty seven dollars, but it is my will and desire that my said daughter Elisabeth will not sell or

dispose of the same Farm to a stranger, as it may injure such of my family as may own the Farm which I purchased of Samuel Epes, and I likewise direct and my will is that my son-in-law Nathaniel West shall stand charged with all such Sums of money as at the time of my decease he shall be indebted to me in either by Note or Book; and I do in addition to the foregoing give and confirm unto my said daughter Elisabeth all and whatever I gave her at the time of her marriage ----

I do hereby give, devise and bequeath unto my daughter Martha her heirs and assigns forever, one seventh part of all my real and personal Estate, such particular parts of my real Estate, as are herein expressly and specifically given to her, to be considered as part of her said proportion, at the value at which I herein estimate the same; in particular I do give and devise unto my said daughter Martha, her heirs and assigns forever, one undivided seventh part of my said main wharf and a seventh part of all the privileges, as well of dockage as otherwise, as is hereinafter mentioned and under the Limitations hereinafter expressed, together with this further privilege of placing and building a Store on the Eastern side of said main wharf similar to and on a Line with the Stores already erected there, which I estimate at the sum of one thousand dollars; --- And also that piece of Land and wharf situate in said Salem which is bounded northerly by Derby Street (so called) easterly by the wharf which I have herein given to my son Ezekiel Hersey southerly by the front of the same as it now runs East and west, and westerly by a Line which is to be

forty feet distant from the East side of the store herein given to my son Richard and parallel thereto which space or distance of forty feet is forever to remain and kept open for a way or passage on to my said main Wharf, which said piece of Land and wharf I estimate at the sum of eight hundred and thirty four dollars; ---- And also my Lot of Land in Bridge street in Salem aforesaid which I estimate at the sum of eight hundred and thirty four dollars; --- And in Addition to the foregoing I do hereby give and confirm unto my said daughter Martha a certain promissory Note which I have made and passed unto her in Lieu of the furniture and other things that I gave to my other daughters at the time of their marriage, and I hereby order my Executors hereinafter named to pay the Contents of said Note to my said daughter Martha or her Assigns as soon after my decease as the same shall be demanded ---

I do hereby give, devise and bequeath unto my daughter Anstis the wife of Benjamin Pickman junior, her heirs and Assigns forever, one seventh part of all my real and personal Estate, such particular parts of my real Estate, as are herein expressly and specifically given to her, to be considered as part of her said proportion at the value at which I herein estimate the same; in particular I do give and devise unto my said daughter Anstis her Heirs and Assigns forever, one undivided seventh part of my said main wharf and a seventh part of all the privileges as well of Dockage as otherwise as is hereinafter mentioned and under the

Limitations hereinafter expressed, together with the further privilege of placing and building a Store on the Eastward side of said main wharf similar to and on a Line with the stores already erected there which I estimate at the sum of one thousand dollars; --- And also the house and Land situate in said Salem and bounded northerly by Essex Street (so called) and southerly by Charles Street (so called) which I purchased of Benjamin Pickman Esqr. which I estimate at the sum of five thousand dollars; --- And I likewise direct and my Will is, that my said son in Law Benjamin Pickman junior shall stand charged with all such sums of money as at the time of my decease he shall be indebted to me in, either by Note or Book and I do in addition to the foregoing give and confirm unto my said daughter Anstis all and whatever I gave her at the time of her marriage.----

All the rest and Residue of the real Estate of which I shall be seized at the time of my decease whatsoever and wheresoever and herein specifically devised, I do give and devise unto my said Children Elias Hasket, John, Ezekiel Hersey, Richard, Elisabeth Martha and Anstis, their respective heirs and Assigns forever, to be equally divided among them, the division to be made in such way and manner as they shall mutually agree upon --- And in Case any Portion or Parcel of any particular part of my real Estate herein before described and devised should happen to be sold before my decease, it is my Will and I hereby direct, that the sum for which any such portion or parcel shall have been sold, shall be deducted from the sum at which (the respective particular part of my real Estate to which) such portion or parcel belonged, is herein before estimated, and that

the sum remaining after such deduction made shall be considered as the true and only estimate of such particular part of my real Estate instead of the Estimate herein before contained ---

And in order that my said main wharf may be improved in the way and manner most conducive to the Benefit and advantage of all the owners thereof, my Will is, and I do hereby order, direct, make and establish the following Regulations respecting the same, to wit; that each of the several Store Lots herein given to my said Children on the eastern side of said wharf is to be ninety three feet long on the main wharf north and south, that the western side of said Stores shall be on a Line with those already erected there similar to them and of equal width with them that each of said Stores shall be placed in the middle of its respective Lot; --- That each of the owners of said Stores shall (have) the Privilege of Building on the north, east and west sides of said stores respectively a small wharf or platform for the Accommodation of the same, but the said small wharf or Platform on the east side of said Stores shall not be more than ten feet wide; --- That all Goods, Wares and Merchandise taken on board any vessel from off said Platform on the east side of said Stores or there Landed shall in no Case pay wharfage to the other owners of said wharf nor shall any vessel lying there pay any dockage; --- That all the flats which may be ten feet east of said East sides of said Stores and between that Line and the west Line of the flatts herein given to my son Ezekiel Hersey are not to be builded upon, but are to be kept open to and for the use, convenience and accommodation of the owners of said Long or main wharf and of the Lots given to my said

son Ezekiel Hersey and my said daughter Martha; --- and the Owners of the said main wharf shall be and are hereby restricted from extending the said wharf further westward than on a Line with the Jog or Zigzag, lately built there, and I do order and it is my Will that the flatts owned by me between the Line last mentioned and the west Line of flatts purchased by me of the heirs of Capt. John White are to be kept open forever and be used in common for the convenience and Accommodation of the owners of said main wharf and of the owners of the wharves and Stores herein given to my sons Ezekiel Hersey and Richard;--- And my Will is, and I do further order and direct that in Locating the Lots for said Stores not already erected on the Eastward side of said wharf, my said several Children, excepting my son John and my daughter Elisabeth who have Stores, shall elect their Lots according to their Seniority; and in Case any one, whose Right it shall be first to elect shall neglect to make his or her Election of a Lot in writing under his or her Hand for the space of twenty days after a demand, so to do made by either of the others, he or she shall lose and forfeit his or her priority of Election and the next in age may elect in the same manner ----- And I do also request and desire my Executors as soon as may be after my decease to appoint some suitable Person as a wharfinger of said main wharf, who shall duely and seasonably collect all fees for wharfage or dockage and that they be the same as are taken and received at the union wharf in Salem

aforesaid.----

And my Will is and I do order that, if at the time of my decease any of my Vessels should be at sea, their Voyages are completed and be considered for the general Benefit of my Estate ------

I do hereby give and bequeath unto my Brother John Derby of Boston in the County of suffolk merchant, in token of Affection and good will toward him, my new Coachee, my two dark coloured mares which I imported from Europe together with the Harness and furniture belonging to the same.----

I do hereby give and bequeath unto my grandson Henry West son of Nathaniel West, a sum of money sufficient to complete his Education which I leave to the discretion of my Executors to determine, and also the further Sum of three hundred and fifty dollars over and above what may be necessary to complete his Education, the said Sum to be paid to the Guardian of the said Henry within six months after my decease.----

I do hereby give and bequeath unto the widow Hannah Crowninshield the sum of two hundred dollars.------

I do hereby give and bequeath unto Mrs. Mary Elkins sister of my late wife and her assigns the sum of five hundred dollars----

I do hereby give and bequeath unto my Aunt Archer, if she be living at the time of my decease the sum of three hundred and thirty dollars; by four equal annual Payments, the first payment to be made

within thirty days after my decease, the Legacy to cease if she should decease before all the payments become due as to all Sums then in arrear.

I do hereby give and bequeath unto Mr. James Jeffrey who is now in my Store, if he should there continue until my decease the sum of three hundred and thirty dollars in addition to his Salary, he to assist my Executors in making a Settlement of my Estate.------

I do hereby give and bequeath unto Mr. George Heussler my Gardener the Sum of three hundred and thirty dollars in addition to his Salary for his faithful services------

I do hereby give and bequeath unto Joseph Chandler the sum of three hundred and thirty dollars in addition to his salary.-----

I do hereby give and bequeath unto my Negro man Saba the sum of two hundred and fifty dollars.---

I do hereby give and bequeath unto my young Negro woman Rose the sum of two hundred and fifty dollars. And I order and direct my Executors to pay the two last mentioned Legacies, given to the said Saba and Rose unto my said daughter Martha; --- And my Will is that my said daughter Martha put out the same on Interest and pay over to the said Saba and Rose the principal Sum and Interest in such proportions and at such times as she may think proper.

And lastly, I do hereby nominate, constitute and appoint my two Sons Elias Hasket and John and my son in Law Benjamin Pickman Junr the survivors or Survivor of them Executors of this my last Will and Testament, hereby revoking and making void all former Wills

and Testaments at any time heretofore by me made and declaring this to be my last Will and Testament. In Witness whereof, I the said Elias Hasket Derby the Testator have to this my last Will and Testament contained in this and in the next preceding Pages consisting of this and one other Sheet of paper set my hand and seal, to wit, my Hand to the bottom of the said other Sheet and my hand and seal to this sheet, this fourth day of September in the year of our Lord one thousand seven hundred and ninety nine.------

The writing contained in this and the six next preceding Pages consisting of this and one other sheet of paper was signed and sealed by the above named Elias Hasket Derby the Testator, and by him published and declared, as and for his last Will and Testament in the presence of us, who have hereto subscribed our Names as Witnesses in the presence of the Testator and of each other; --- The words "one" "seventy" and "eighty five dollars" being first erased and the words "a seventh part of" three and thirty being first interlined" also the words "Also the house and Land in Essex street/so called/" which I purchased of John Saunders in which the said Ezekiel Hersey now lives and which I estimate at the sum of three thousand three hundred and forty dollars" being first interlined (sgd) Jacob Ashton, Jnº Norris Joseph Perkins	(sgd) Elias Hasket Derby (seal)

To all People to whom these presents shall come Samuel Holten Esqr Judge of Probate for the County of Essex within the Commonwealth of Massachusetts, sendeth Greeting. Know ye that on the seventh day of October Anno Domini 1799 the Instrument aforewritten (purporting the last Will and Testament of Elias Hasket Derby late of Salem in

said County merchant deceased) was presented for Probate by John Derby and Benjamin Pickman jun^r two of the Executors therein named, then present Jacob Ashton Esqr. and John Norris Esqr. two of the Witnesses thereto subscribed, who made Oath that they saw the said Testator sign and seal and heard him declare the P. Instrument to be his last Will and Testament, and that they the said Jacob and John with Joseph Perkins subscribed their Names together as Witnesses to the Execution thereof in the said Testator's presence; and that he was then/ to the best of their Judgments/ of sound and disposing mind;--- Ido therefore prove, approve and allow of the said Instrument as the last Will and Testament of the before named deceased and do commit the Administration thereof in all matters the same concerning and of his Estate whereof he died seiz'd and possessed in said County unto John Derby and Benjamin Pickman jun^r. the before named Executors well and faithfully to execute the said Will and to administer the Estate of said deceased according thereto, who accepted of their said Trust, and gave Bond with Benjamin Pickman Esqr. and Capt. Nathaniel West as Sureties to exhibit an Inventory by the seventh day of January next and to render an account by the seventh day of October A.D. 1800. In testimony whereof, I do hereunto set my hand and seal of Office the day and year aforewritten.(sgd) S. Holten

AN ACT TO ESTABLISH
THE DERBY WHARF CORPORATION

MARCH 1, 1810

Doc. No. 7.

AN ACT TO ESTABLISH THE DERBY WHARF CORPORATION

Whereas Elias Hasket Derby, John Derby, Ezekiel Hersey Derby, Benjamin Pickman, jun. and Anstiss his wife, in her right, John Prince, jun. and Martha his wife, in her right, and Elizabeth Derby, own and hold in common and undivided a piece of land, flats and wharf, in Salem in the county of Essex, which was devised to them by their father Elias Hasket Derby, deceased, and is known by the name of "Derby Wharf"; and have expended and are continuing to expend large sums of money, in extending and enlarging said wharf, for the accommodation of the navigation of said town, and they have petitioned this Court to incorporate them, to enable them more conveniently to manage and improve the same estate;

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said Elias Hasket Derby, John Derby, Ezekiel Hersey Derby, Benjamin Pickman, jun. John Prince, Jun. and Elizabeth Derby, and all such persons as have, or hereafter may associate with them, their successors and assigns, being citizens of the United States, shall be and hereby are constituted a body politick and corporate, by the name of the Derby Wharf Corporation; and by that name may sue and be sued, plead and be impleaded, defend and be defended in any court of record, or in any other place of whatsoever; and shall and may do and suffer all acts, matters and things, which bodies politick ought to do and suffer;

and shall have power to make and use a common seal, and the same again at pleasure to break, alter, and renew; and also to agree on the mode of calling future meetings, to ordain and establish and put in execution such bye laws, ordinances and regulations as to them shall appear necessary and convenient, for the government of said corporation, and for the prudent management of their property and affairs; and for the breach of such bye laws, ordinances and regulations may order fines and penalties not exceeding ten dollars for every breach: Provided, That such bye laws, ordinances and regulations shall not be repugnant to the laws of this commonwealth.

Sec. 2. Be it further enacted, That the said corporation shall be, and hereby is made and declared capable to have, hold, and possess the said land, wharf and flats called Derby Wharf, (excepting the stores thereon and the flats under and adjoining, which are now held in severalty by the persons before named, under the will of the said Elias Hasket Derby, Esquire, deceased, and the privileges and appurtenances thereof; and also to purchase and hold any other lands and tenements, not exceeding the additional value of thirty thousand dollars, exclusive of the building thereon; and shall have power to erect any wharves or buildings on any real estates owned by said corporation; and

any sea wall or other walls to protect and secure the same; and shall also have power to grant, sell, and alien, in fee simple, or otherwise, by deed under the seal of the corporation and signed by the President thereof, the corporate property or any part thereof; and to lease, exchange, manage, and improve the same, according to the will and pleasure of the proprietors, or the major part of them present at any legal meeting, to be expressed by their votes; and the rents, profits, and receipts which may accrue from the improvements, leasing, or other management of the corporate property aforesaid, may and shall, once at least in every year, be divided among the proprietors, according to their respective shares.

Sec. 3. Be it further enacted, That the said proprietors may, at any legal meeting, agree upon the number of shares into which their corporate property shall be divided, not exceeding eighty-four, and upon the form of certificates to be given to individuals, of the shares by them respectively held, and upon the mode and conditions of transferring the same; which shares shall be held and considered as personal estate to all intents and purposes whatsoever. The said proprietors shall also have power to assess upon each share, such sums of money, as may be deemed necessary for erecting and repairing wharves, walls and buildings, and generally for the improvement and good management of their said estate, agreeably to the true intent of this act; and to sell and dispose of the shares of any

delinquent proprietor, for the payment of such assessments, and to issue new certificates thereof, to the purchaser, in such way and manner, as said corporation may, by their rules and regulations, determine and agree upon.

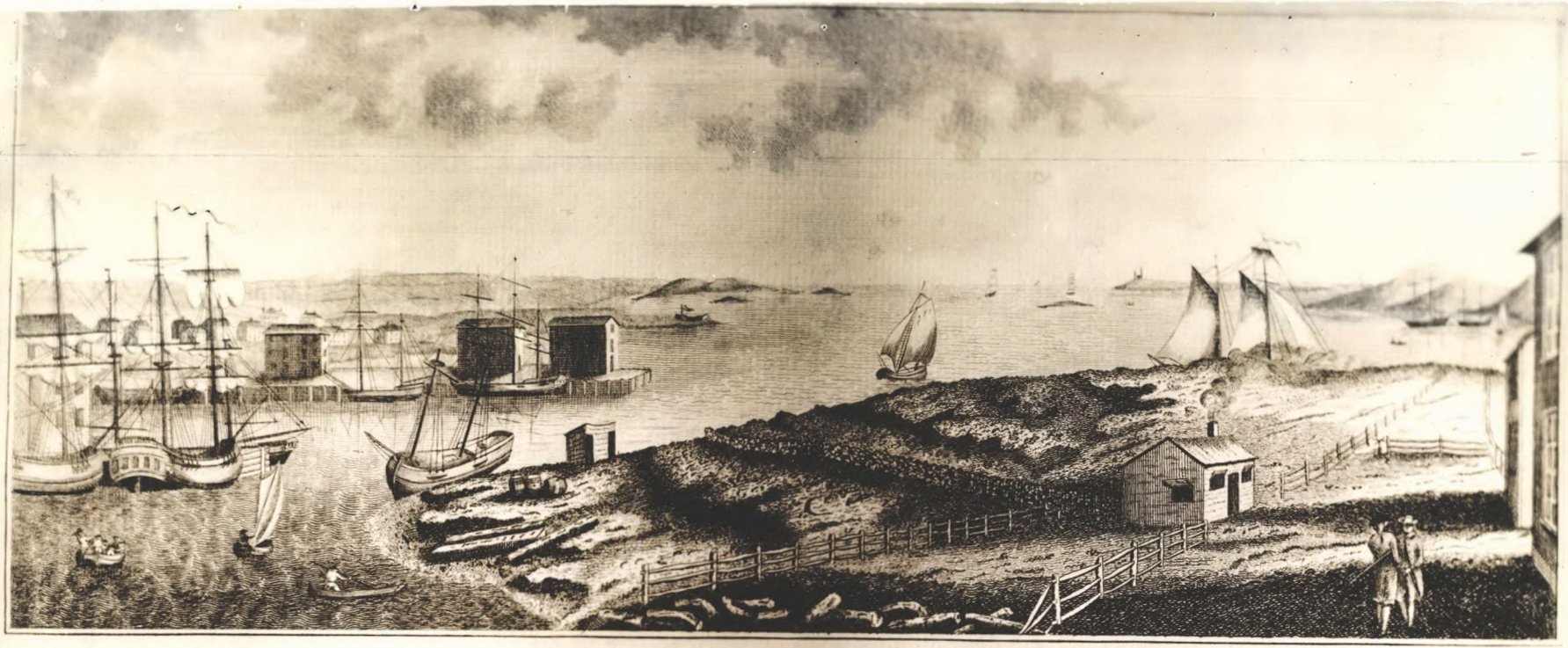
Sec. 4. Be it further enacted, That the property of every individual member of said corporation, vested in said corporate fund or estate, shall be liable to attachment, and to the payment of his just debts, in manner prescribed by an act entitled, "An Act directing the mode of attachment on mesne process, and selling by execution, shares of debtors in incorporated companies" passed the eighth day of March, in the year of our Lord, one thousand eight hundred and five.

Sec. 5. Be it further enacted, That John Derby, Ezekiel Hersey Derby, and John Prince, jun. or any two of them, may call the first meeting, by advertising the same in any one of the publick newspapers, printed in Salem, at least three days before the time of meeting; and at that, or any other meeting, may elect a president, treasurer, clerk, secretary or other officers, and for such term of time, not exceeding one year, as they may judge fit, and the same at pleasure change or remove; and in the choice of officers, as well as on all other occasions, the votes shall be given by shares, allowing one vote to each share: Provided only, That no member shall have more than ten votes.

Sec. 6. Be it further enacted, That nothing herein contained shall be deemed and construed to give to said proprietors any right or authority, to take, or appropriate to their use, the land, right or privilege of any person or persons, without a legal conveyance thereof from such person or persons, to the said corporation.

Sec. 7. Be it further enacted, That in any action to be brought, or in any judgment to be rendered against said corporation, if the said corporation, after seven days notice, and request to the president, secretary, or any two of the proprietors, shall neglect or refuse to expose any estate or property which may be attached on mesne process; or whereon any such execution may be lived, the plaintiff in such action shall have a right to levy his execution upon, or to attach any of the property of the individual members of the said corporation, in the same manner as if the action had been brought, or judgment entered against them, in their individual capacities.

(This act passed March 1, 1810)



Salem. No. 117

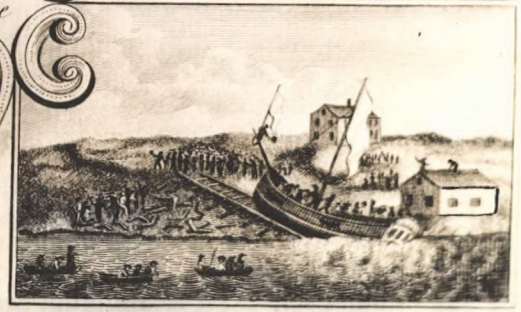
These are to Certify that Daniel Saunders was by a Majority of Votes regularly admitted a Member of the Salem Marine Society, at a Meeting held the 28 day of June 1792 Given under my hand & the Seal of the Society this 26 day of Oct. A.D. 1797

Jon^a Mason Sec^y

Benj^a West Master.

A. Nichols Junr Del.

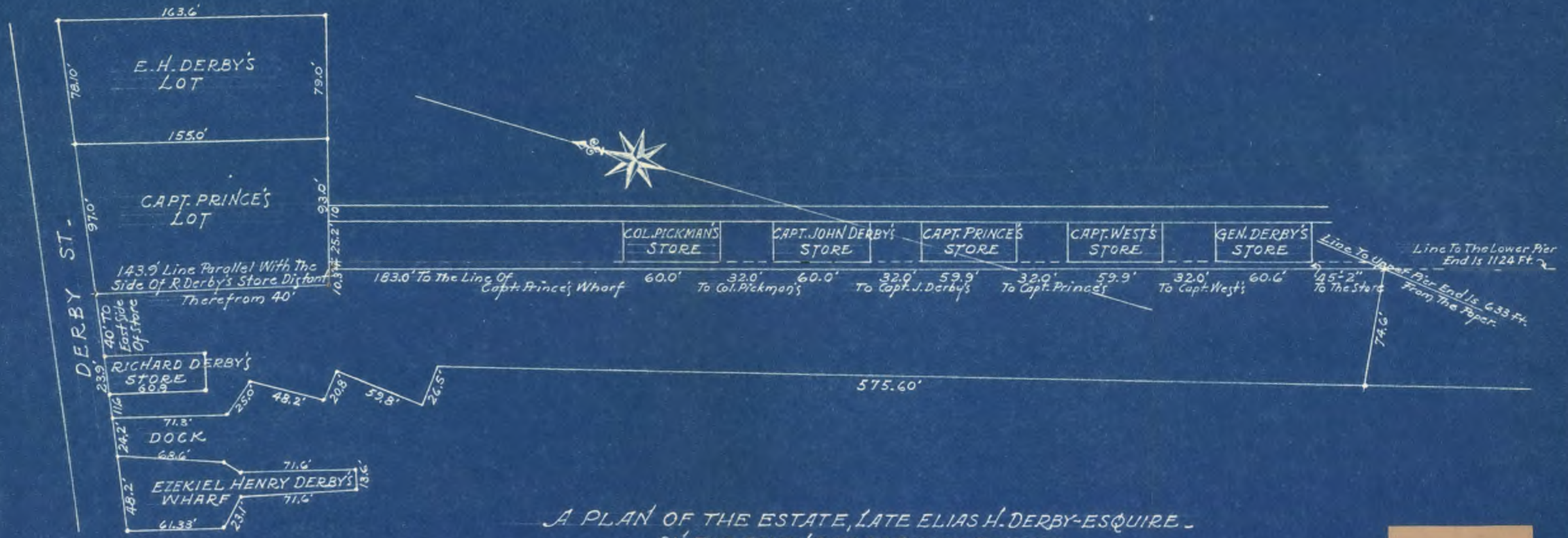
S. Hill Sculp^t Boston.



Doc. No. 8.

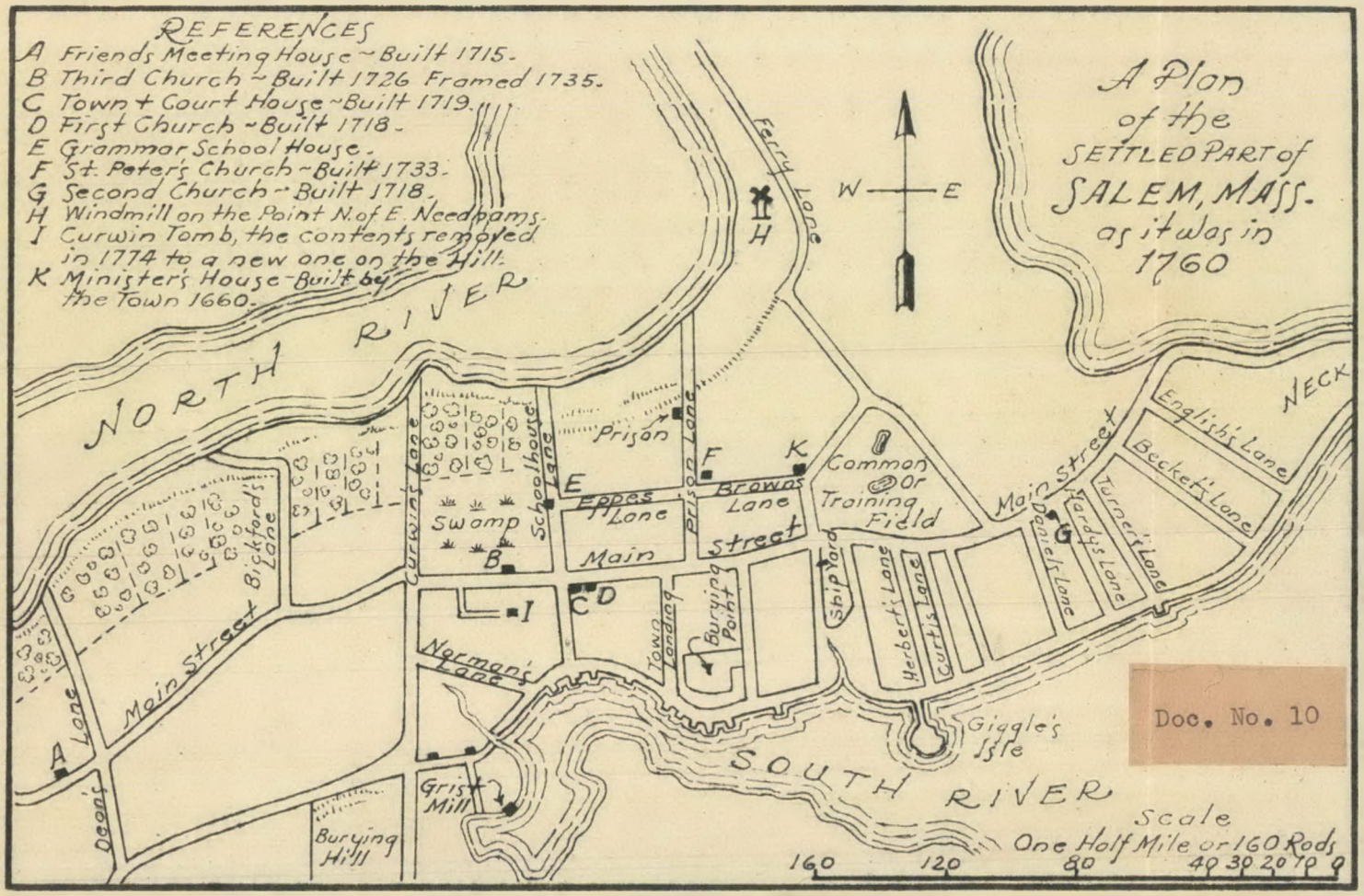
Membership Certificate
of Salem Marine Society

NO. 8027
FROM THE
ESSEX INSTITUTE
SALEM, MASS.
THE ESSEX INSTITUTE
and
FRANK COUSINS
collections of negatives of
historical & architectural subjects.

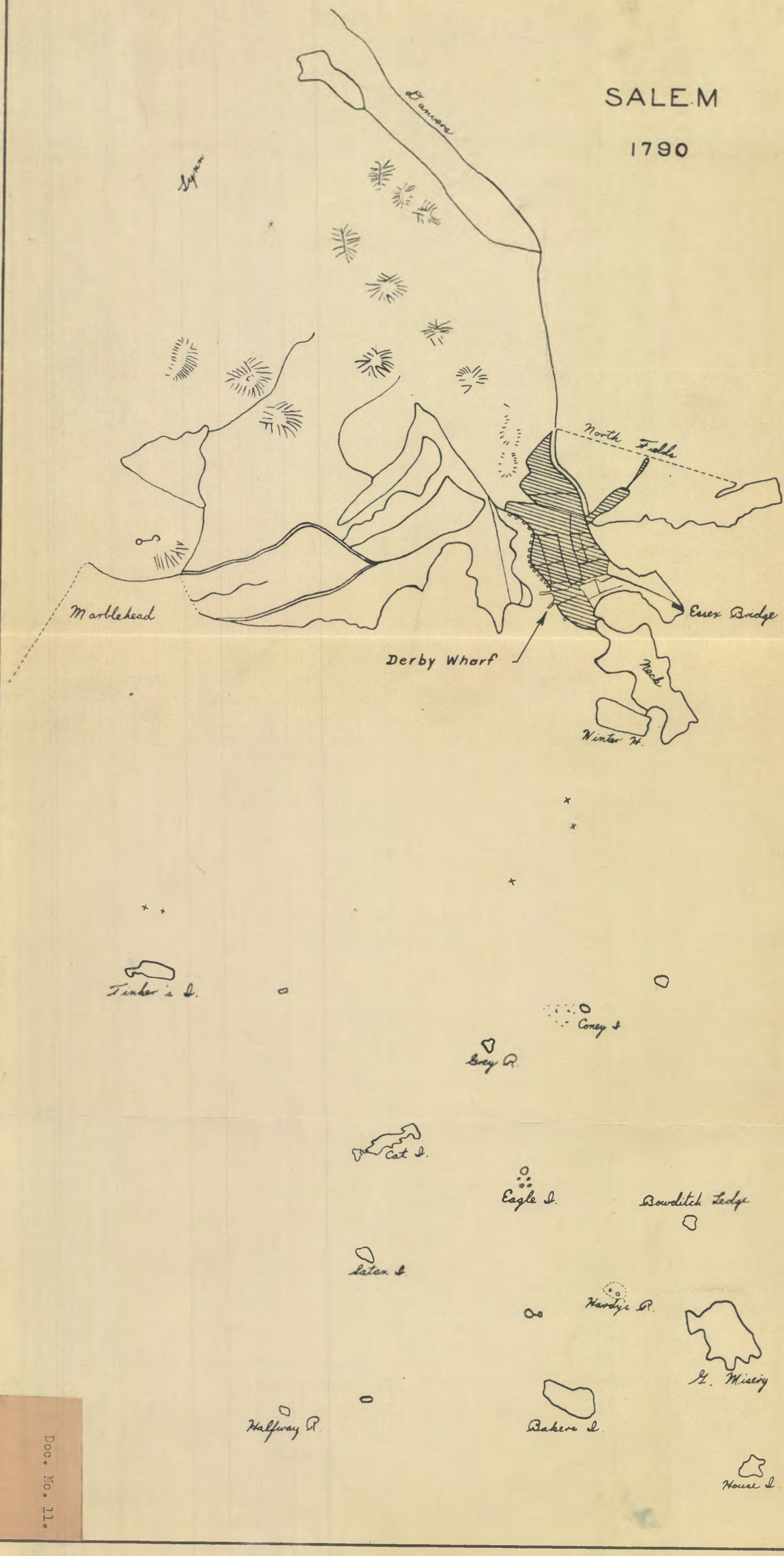


A PLAN OF THE ESTATE, LATE ELIAS H. DERBY-ESQUIRE.
ON THE SOUTH SIDE OF DERBY STREET.
SURVEYED BY GIDEON FOSTER.
FEBRUARY 25-1805
Scale 60'=1"

Doc. No. 14


REFERENCES
A Friends Meeting House ~ Built 1715.
B Third Church ~ Built 1726 Framed 1735.
C Town + Court House ~ Built 1719.
D First Church ~ Built 1718.
E Grammar School House.
F St. Peter's Church ~ Built 1733.
G Second Church ~ Built 1718.
H Windmill on the Point N. of E. Needhams.
I Curwin Tomb, the contents removed in 1774 to a new one on the Hill.
K Minister's House ~ Built by the Town 1660.
A Plan of the SETTLED PART of SALEM, MASS. as it was in 1760
W
E
NORTH RIVER
SOUTH RIVER
NECK
Ferry Lane
Prison Lane
Prison
Schoolhouse Lane
Curwins Lane
Swamp
Eppes Lane
Browns Lane
Main Street
Common Or Training Field
Shipyard
Herbert's Lane
Curtis Lane
Daniel's Lane
Hardys Lane
Turner's Land
Becket's Lane
English's Lane
Bickford's Lane
Main Street
Lane
Deon's
Normans Lane
Town Landing
Burying Point
Gris Mill
Burying Hill
Giggle's Isle
Scale
One Half Mile or 160 Rods
160 120 80 40 30 20 10 0

Doc. No. 10


SALEM
1790
Danvers
Lynn
North Fields
Marblehead
Essex Bridge
Derby Wharf
Neck
Winter H.
Timber I. I.
Coney I.
Grey R.
Cat I.
Eagle I.
Bowditch Ledge
Satan I.
Hardy's R.
G. Misery
Halfway R.
Bakers I.
House I.

Doc. No. 11.

EXHIBIT "B"

TRACED FROM
CHART
OF THE
HARBOURS OF SALEM, MARBLEHEAD
BEVERLY, AND MANCHESTER
FROM A SURVEY TAKEN IN THE YEARS 1804,5,&6
BY NATH' BOWDITCH, A. M. F.R.S.
ASSISTED BY
GEO. BURCHMORE AND WM. ROPES, 3RD.

SECOND EDITION
NOV. 1, 1834 BY CHARLES M. ENDICOTT
ASSISTANTS
JOSEPH PERKINS AND BRANCH PILOT

NOTE:—ADDITIONS AND ALTERATIONS ARE SPECIFICALLY IN CONNECTION WITH BEARINGS AND LOCATION OF NAVIGATION POINTS. HARBOR AND CITY SHORE LINE, REMAIN SPECIFICALLY UNCHANGED BY 2ND. EDITION.

A.F. Sweeny

GRAPHIC SCALE

0 ½ 1 2 Miles

Doc. No. 12.

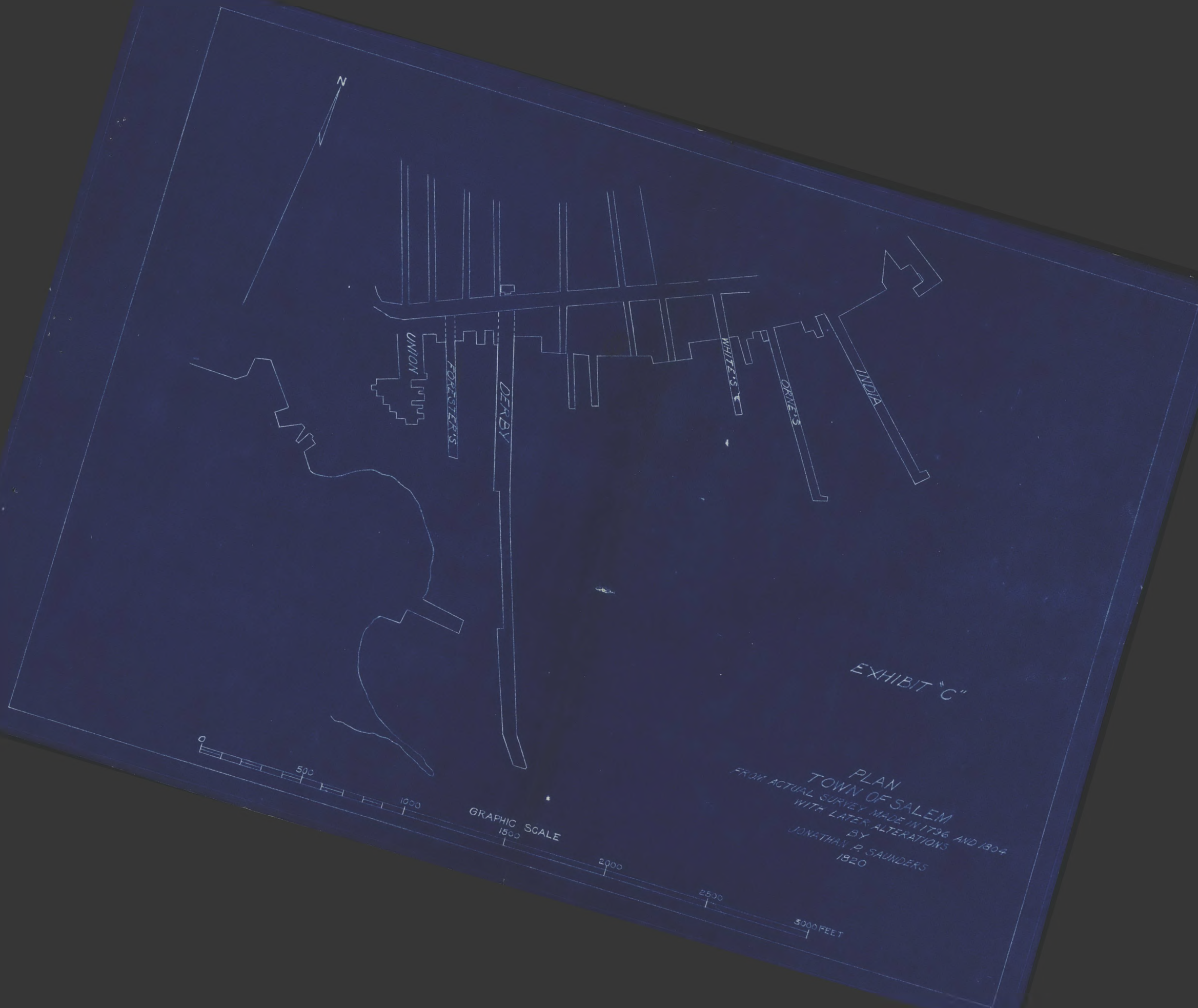
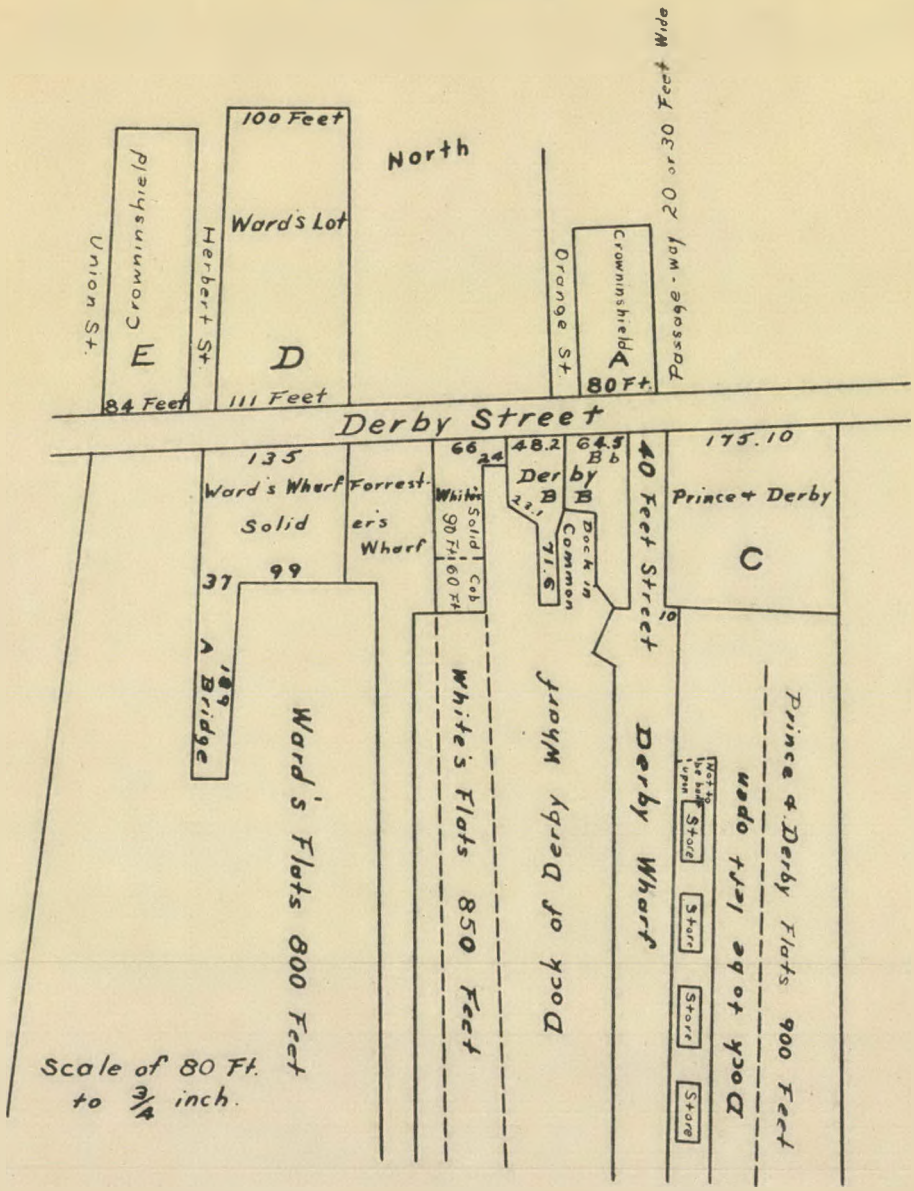


EXHIBIT "C"

PLAN
TOWN OF SALEM
FROM ACTUAL SURVEY MADE IN 1796 AND 1804
WITH LATER ALTERATIONS
BY
JONATHAN R. SAUNDERS
1820

Doc. No. 13.

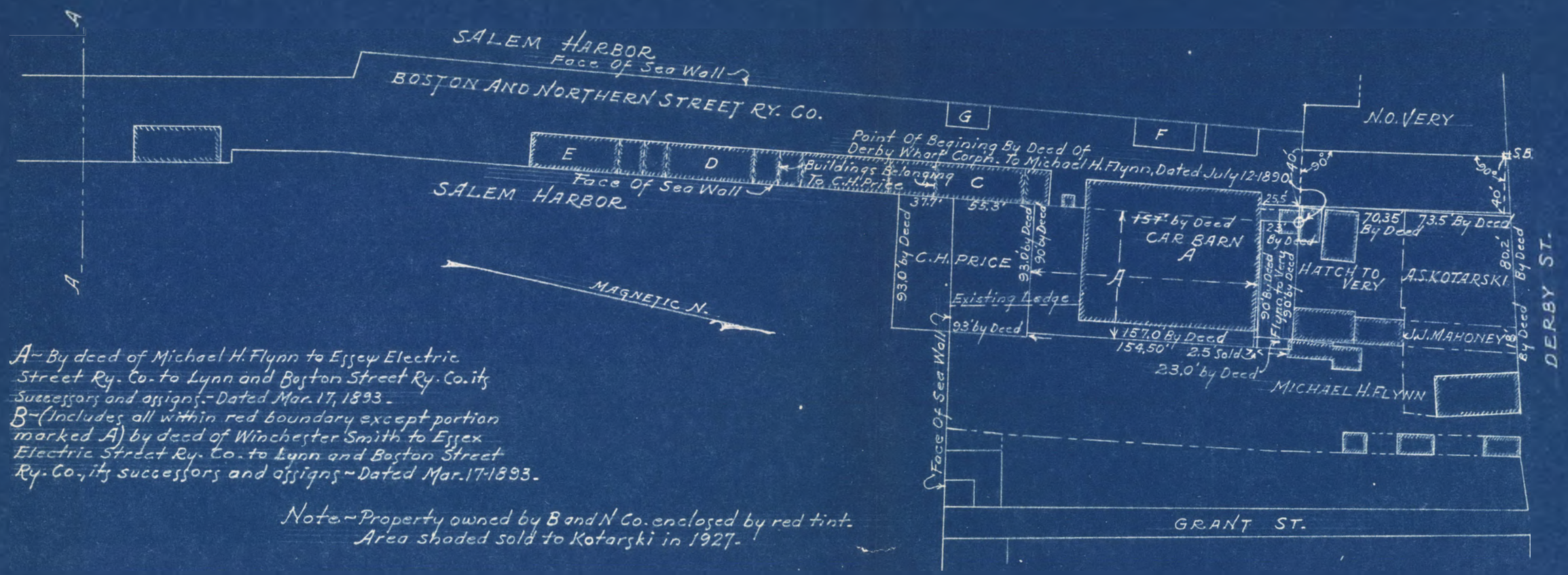
Plan of Lots Examined for a Site for Salem Custom House
May 26, 1818



A ~ Crowninshield Mansion House Lot
B ~ White and Derby Wharves and Flats
C ~ Prince and Derby Wharves and Flats
D ~ Ward Upland, Wharf and Flats
E ~ Crowninshield Upland

Bb ~ Building on lot owned by John Derby to be moved if Custom House were erected on the lot marked A.

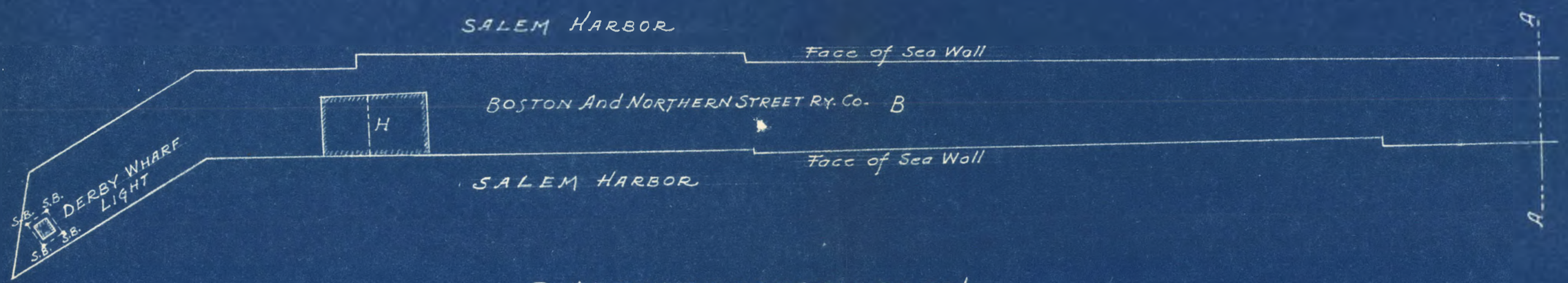
Doc. No. 15



A- By deed of Michael H. Flynn to Essex Electric Street Ry. Co. to Lynn and Boston Street Ry. Co. its Successors and assigns.- Dated Mar. 17, 1893.

B-(Includes all within red boundary except portion marked A) by deed of Winchester Smith to Essex Electric Street Ry. Co. to Lynn and Boston Street Ry. Co., its successors and assigns- Dated Mar. 17-1893.

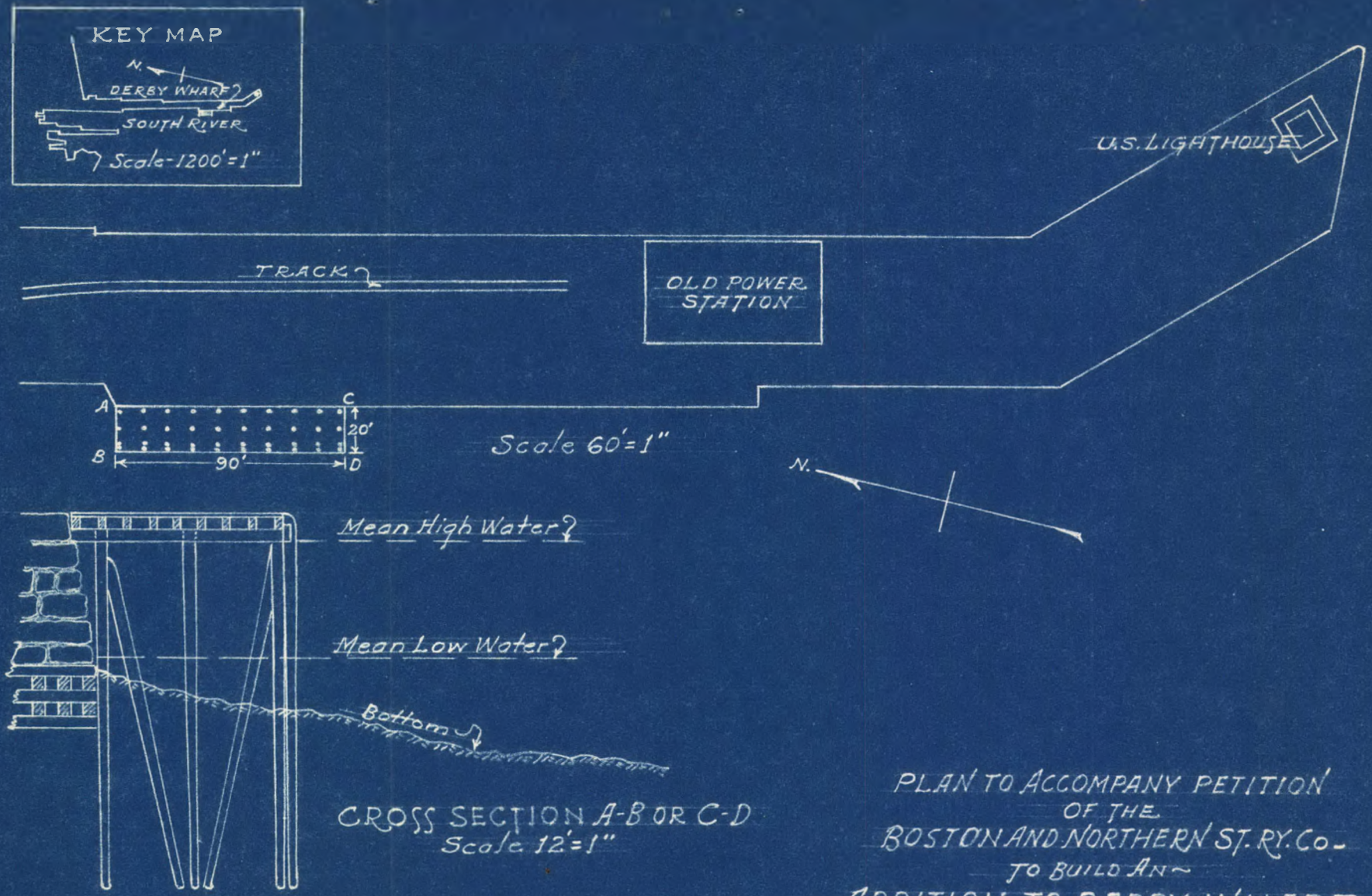
Note.- Property owned by B and N Co. enclosed by red tint. Area shaded sold to Kotarski in 1927.



SALEM PROPERTY PLAN
DERBY WHARF

July 2-1904
Traced Sept. 24-1937
Scale- 1" = 80'

Doc. No. 16



PLAN TO ACCOMPANY PETITION
OF THE
BOSTON AND NORTHERN ST. RY. CO.
TO BUILD AN
ADDITION TO DERBY WHARF
AT
SALEM-MASS.
March 18-1906
Traced-Sept. 24-1937.

Doc. No. 17